

FILED FEB 26 1987

I certify that the attached is a true and  
correct copy of HB 976, which  
was filed of record on FEB 26 1987  
and referred to the committee on:

Insurance

Betty Murray

Chief Clerk of the House

By Atton

HB. No. 976

A BILL TO BE ENTITLED

AN ACT

relating to the inclusion of certain athletic trainers' services in  
health insurance coverage.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (B), Section 2, Chapter 397, Acts of  
the 54th Legislature, 1955 (Article 3.70-2, Vernon's Texas  
Insurance Code), is amended to read as follows:

(B) No policy of accident and sickness insurance shall make  
benefits contingent upon treatment or examination by a particular  
practitioner or by particular practitioners of the healing arts  
hereinafter designated unless such policy contains a provision  
designating the practitioner or practitioners who will be  
recognized by the insurer and those who will not be recognized by  
the insurer. Such provision may be located in the "Exceptions" or  
"Exceptions and Reductions" provisions, or elsewhere in the policy,  
or by endorsement attached to the policy, at the insurer's option.  
In designating the practitioners who will and will not be  
recognized, such provision shall use the following terms: Doctor  
of Medicine, Doctor of Osteopathy, Doctor of Dentistry, Doctor of  
Chiropractic, Doctor of Optometry, Doctor of Podiatry, Audiologist,  
Speech-language Pathologist, [and] Doctor in Psychology, and  
Licensed Athletic Trainer.

For purposes of this Act, such designations shall have the  
following meanings:

1 Doctor of Medicine: One licensed by the Texas State Board of  
2 Medical Examiners on the basis of the degree "Doctor of Medicine";

3 Doctor of Osteopathy: One licensed by the Texas State Board  
4 of Medical Examiners on the basis of the degree of "Doctor of  
5 Osteopathy";

6 Doctor of Dentistry: One licensed by the State Board of  
7 Dental Examiners;

8 Doctor of Chiropractic: One licensed by the Texas Board of  
9 Chiropractic Examiners;

10 Doctor of Optometry: One licensed by the Texas State Board  
11 of Examiners in Optometry;

12 Doctor of Podiatry: One licensed by the State Board of  
13 Chiropody Examiners;

14 Audiologist: One with a master's or doctorate degree in  
15 audiology from an accredited college or university and who is  
16 certified by the American Speech-language and Hearing Association;

17 Speech-language Pathologist: One with a master's or  
18 doctorate degree in speech pathology or speech-language pathology  
19 from an accredited college or university and who is certified by  
20 the American Speech-language and Hearing Association; [and]

21 Doctor in Psychology: One licensed by the Texas State Board  
22 of Examiners of Psychologists and certified as a Health Service  
23 Provider; and

24 Licensed Athletic Trainer: One licensed by the Advisory  
25 Board of Athletic Trainers.

26 SECTION 2. Sections 1 and 3, Article 21.52, Insurance Code,  
27 are amended to read as follows:

1           Sec. 1. DEFINITIONS. As used in this article:

2           (a) "health insurance policy" means any individual, group,  
3 blanket, or franchise insurance policy, insurance agreement, or  
4 group hospital service contract, providing benefits for medical or  
5 surgical expenses incurred as a result of an accident or sickness;

6           (b) "doctor of podiatric medicine" includes D.P.M.,  
7 podiatrist, doctor of surgical chiropody, D.S.C. and chiropodist;

8           (c) "doctor of optometry" includes optometrist, doctor of  
9 optometry, and O.D.;

10          (d) "doctor of chiropractic" means a person who is licensed  
11 by the Texas Board of Chiropractic Examiners to practice  
12 chiropractic;

13          (e) "licensed dentist" means a person who is licensed to  
14 practice dentistry by the State Board of Dental Examiners;

15          (f) "audiologist" means a person who has received a master's  
16 or doctorate degree in audiology from an accredited college or  
17 university and is certified by the American Speech-language and  
18 Hearing Association; ~~and~~

19          (g) "speech-language pathologist" means a person who has  
20 received a master's or doctorate degree in speech-language  
21 pathology from an accredited college or university and is certified  
22 by the American Speech-language and Hearing Association to restore  
23 speech loss or correct a speech impairment; and

24          (j) "licensed athletic trainer" means a person who is  
25 licensed by the Advisory Board of Athletic Trainers.

26          Sec. 3. SELECTION OF PRACTITIONERS. Any person who is  
27 issued, who is a party to, or who is a beneficiary under any health

1 insurance policy delivered, renewed, or issued for delivery in this  
2 state by any insurance company, association, or organization to  
3 which this article applies may select a licensed doctor of  
4 podiatric medicine, a licensed dentist, or a doctor of chiropractic  
5 to perform the medical or surgical services or procedures scheduled  
6 in the policy which fall within the scope of the license of that  
7 practitioner, a licensed doctor of optometry to perform the  
8 services or procedures scheduled in the policy which fall within  
9 the scope of the license of that doctor of optometry, an  
10 audiologist to measure hearing for the purpose of determining the  
11 presence or extent of a hearing loss and to provide aural  
12 rehabilitation services to a person with a hearing loss if those  
13 services or procedures are scheduled in the policy, [or] a  
14 speech-language pathologist to evaluate speech and language and to  
15 provide habilitative and rehabilitative services to restore speech  
16 or language loss or to correct a speech or language impairment if  
17 those services or procedures are scheduled in the policy, or a  
18 licensed athletic trainer to provide the services that fall within  
19 the scope of the license of that athletic trainer, if those  
20 services are scheduled in the policy. The payment or reimbursement  
21 by the insurance company, association, or organization for those  
22 services or procedures in accordance with the payment schedule or  
23 the payment provisions in the policy shall not be denied because  
24 the same were performed by a licensed doctor of podiatric medicine,  
25 a licensed doctor of optometry, a licensed doctor of chiropractic,  
26 a licensed dentist, an audiologist, [or] a speech-language  
27 pathologist, or a licensed athletic trainer. There shall not be

1 any classification, differentiation, or other discrimination in the  
2 payment schedule or the payment provisions in a health insurance  
3 policy, nor in the amount or manner of payment or reimbursement  
4 thereunder, between scheduled services or procedures when performed  
5 by a doctor of podiatric medicine, a doctor of optometry, a doctor  
6 of chiropractic, a licensed dentist, an audiologist, [e\*] a  
7 speech-language pathologist, or a licensed athletic trainer which  
8 fall within the scope of his license or certification and the same  
9 services or procedures when performed by any other practitioner of  
10 the healing arts whose services or procedures are covered by the  
11 policy. Any provision in a health insurance policy contrary to or  
12 in conflict with the provisions of this article shall, to the  
13 extent of the conflict, be void, but such invalidity shall not  
14 affect the validity of the other provisions of this policy. Any  
15 presently approved policy form containing any provision in conflict  
16 with the requirements of this Act shall be brought into compliance  
17 with this Act by the use of riders and endorsements which have been  
18 approved by the State Board of Insurance or by the filing of new or  
19 revised policy forms for approval by the State Board of Insurance.

20 SECTION 3. This Act takes effect September 1, 1987, and  
21 applies only to a health insurance policy that is delivered, issued  
22 for delivery, or renewed on or after January 1, 1988. A health  
23 insurance policy that is delivered, issued for delivery, or renewed  
24 before September 1, 1987, is governed by the law that existed at  
25 the time the policy was delivered, issued for delivery, or renewed,  
26 and that law is continued in effect for that purpose. A health  
27 insurance policy that is delivered, issued for delivery, or renewed

1 after August 31, 1987, but before January 1, 1988, is governed by  
2 the law that existed immediately before the effective date of this  
3 Act and that law is continued in effect for that purpose.

4 SECTION 4. The importance of this legislation and the  
5 crowded condition of the calendars in both houses create an  
6 emergency and an imperative public necessity that the  
7 constitutional rule requiring bills to be read on three several  
8 days in each house be suspended, and this rule is hereby suspended.

# HOUSE COMMITTEE REPORT

1st. Printing

JULY 18 AM 10:13

HOUSE OF REPRESENTATIVES

By Wilson

H.B. No. 976

A BILL TO BE ENTITLED

AN ACT

relating to the inclusion of certain athletic trainers' services in health insurance coverage.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (B), Section 2, Chapter 397, Acts of the 54th Legislature, 1955 (Article 3.70-2, Vernon's Texas Insurance Code), is amended to read as follows:

(B) No policy of accident and sickness insurance shall make benefits contingent upon treatment or examination by a particular practitioner or by particular practitioners of the healing arts hereinafter designated unless such policy contains a provision designating the practitioner or practitioners who will be recognized by the insurer and those who will not be recognized by the insurer. Such provision may be located in the "Exceptions" or "Exceptions and Reductions" provisions, or elsewhere in the policy, or by endorsement attached to the policy, at the insurer's option. In designating the practitioners who will and will not be recognized, such provision shall use the following terms: Doctor of Medicine, Doctor of Osteopathy, Doctor of Dentistry, Doctor of Chiropractic, Doctor of Optometry, Doctor of Podiatry, Audiologist, Speech-language Pathologist, [and] Doctor in Psychology, and Licensed Athletic Trainer.

For purposes of this Act, such designations shall have the following meanings:

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2 Medical Examiners on the basis of the degree "Doctor of Medicine";

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4 of Medical Examiners on the basis of the degree of "Doctor of  
5 Osteopathy";

6 Doctor of Dentistry: One licensed by the State Board of  
7 Dental Examiners;

8 Doctor of Chiropractic: One licensed by the Texas Board of  
9 Chiropractic Examiners;

10 Doctor of Optometry: One licensed by the Texas State Board  
11 of Examiners in Optometry;

12 Doctor of Podiatry: One licensed by the State Board of  
13 Chiropody Examiners;

14 Audiologist: One with a master's or doctorate degree in  
15 audiology from an accredited college or university and who is  
16 certified by the American Speech-language and Hearing Association;

17 Speech-language Pathologist: One with a master's or  
18 doctorate degree in speech pathology or speech-language pathology  
19 from an accredited college or university and who is certified by  
20 the American Speech-language and Hearing Association; [and]

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23 Provider; and

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25 Board of Athletic Trainers.

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18 Hearing Association; [and]

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21 pathology from an accredited college or university and is certified  
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23 speech loss or correct a speech impairment; and

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25 licensed by the Advisory Board of Athletic Trainers.

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10 audiologist to measure hearing for the purpose of determining the  
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24 the same were performed by a licensed doctor of podiatric medicine,  
25 a licensed doctor of optometry, a licensed doctor of chiropractic,  
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4 thereunder, between scheduled services or procedures when performed  
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6 of chiropractic, a licensed dentist, an audiologist, [er] a  
7 speech-language pathologist, or a licensed athletic trainer which  
8 fall within the scope of his license or certification and the same  
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12 in conflict with the provisions of this article shall, to the  
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5 crowded condition of the calendars in both houses create an  
6 emergency and an imperative public necessity that the  
7 constitutional rule requiring bills to be read on three several  
8 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE AMENDMENT NO. 1

Amend HB 976 by inserting a new SECTION 1A to read as follows:

SECTION 1A. Section 2, Chapter 397, Acts of the 54th Legislature, 1955 (Article 3.70-2, Vernon's Texas Insurance Code), is amended by adding Subsection (I) to read as follows:

(I) An individual or group policy of accident or sickness insurance delivered or issued for delivery in this state that provides benefits for hospital and medical coverage on an expense incurred basis shall offer and make available coverage for services performed by a licensed athletic trainer if the services are:

(1) within the scope of the licensed athletic trainer's license;

(2) related to an injury or illness covered by the policy;  
and

(3) provided under a professional recommendation by a doctor of medicine or a doctor of osteopathy whose treatment or examination for the injury or illness would be covered by the policy and would be payable or reimbursable under the policy.

Such offer of benefits shall be subject to the right of the policy or contract holder to reject the coverage or to select any alternative level of benefits if such right is offered by or negotiated with such insurer or service plan corporation.

Hudson of Dallas

COMMITTEE AMENDMENT NO. 2

Amend House Bill 976 by inserting a new SECTION 1B to read as follows:

20 Hudson of Dallas

# COMMITTEE REPORT

The Honorable Gib Lewis  
Speaker of the House of Representatives

5-14-87  
(date)

Sir:

We, your COMMITTEE ON INSURANCE,

to whom was referred HB 976 have had the same under consideration and beg to report  
(measure)  
back with the recommendation that it

- ( ) do pass, without amendment.  
☒ do pass, with amendment(s).  
( ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☒ yes ( ) no An actuarial analysis was requested. ( ) yes ☒ no

An author's fiscal statement was requested. ( ) yes ☒ no

~~The Committee recommends that this measure be placed on the (Local) or (Consent) Calendar.~~

This measure ( ) proposes new law. ☒ amends existing law.

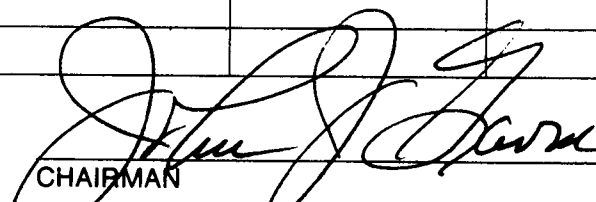
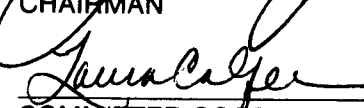
House Sponsor of Senate Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Gavin, Ch.	X			
Hudson, S., V.C.	X			
Cavazos, C.B.O.				X
Criss	X			
Patrick	X			
Price				X
Shea	X			
Taylor	X			
Thompson, S.				X

Total

6 aye  
0 nay  
0 present, not voting  
3 absent

  
CHAIRMAN  
  
COMMITTEE COORDINATOR

## BILL ANALYSIS

### BACKGROUND

Current law lists several types of practitioners who are authorized payment of benefits under policies of accident and sickness. There are other categories of providers which are not included in the list. Many of these groups, which are not on the list, provide the same types of services as those that are on the list. Some of these non-included providers complain of unfair treatment and ask to be included in the list.

### PURPOSE

To authorize licensed athletic trainers to be included as authorized health care providers in the Code.

### SECTION BY SECTION ANALYSIS

Section 1. Amends Article 3.70-2, Section 2,, Subsection (B), Insurance Code, to add Licensed Athletic Trainers to the list of recognized health care providers.

Section 2. Amends Article 21.52, Sections 1 and 3, Insurance Code, to add the definition of Licensed Athletic Trainer and the provision that they may be selected as practitioners.

Section 3. Effective date.

Section 4. Emergency clause.

### RULEMAKING AUTHORITY

It is the opinion of the committee that this bill does not grant any additional rulemaking authority to the State Board of Insurance.

### SUMMARY OF COMMITTEE ACTION

H.B. 976 was considered in public hearing on May 12, 1987. Testifying for the bill was Michael Stephens, Head Trainer University of Texas. testifying against the bill were Will Davis, Texas Legal Reserve Officials Association, Robert Blevins, Texas Life Insurance Association. h.b. 976 was referred to a subcommittee which held a formal meeting on May 14, 1987. At that meeting Representative Hudson offered two amendments to the bill which were adopted. Amendment no. 1 makes the offer of coverage for athletic trainers mandatory. Amendment no. 2 provides an exclusion for workers' compensation, reinsurance, some group policies, endowment and annuity contracts. The bill was reported favorably back to the committee. The subcommittee report was considered by the full committee on May 14, 1987. The motion to report the bill favorably to the House as amended carried with a vote of 6 Ayes, 0 Nays, 0 PNV, 3 Absent.



**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE**

May 8, 1987

TO: Honorable John J. Gavin, Chair  
Committee on Insurance  
House of Representatives  
Austin, Texas

In Re: House Bill No. 976  
By: Wilson

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 976 (relating to the inclusion of certain athletic trainers' services in health insurance coverage) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JO, HES, JWH, AL, LV

H. B. No. 976

By Atlan

A BILL TO BE ENTITLED

AN ACT

relating to the inclusion of certain athletic trainers' services in health insurance coverage.

FEB 26 1987

1. Filed with the Chief Clerk.

MAR 9 1987

2. Read first time and Referred to Committee on Insurance

MAY 14 1987

3. Reported favorably (as amended) 10:15 pm and sent to Printer at MAY 14 1987

MAY 18 1987

4. Printed and distributed at 10:18 am

MAY 19 1987

5. Sent to Committee on Calendars at 12:08 pm

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ years, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

7. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ years, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_\_ years, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ years, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. \_\_\_\_\_ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ years, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

12. Ordered Engrossed at \_\_\_\_\_

13. Engrossed.

14. Returned to Chief Clerk at \_\_\_\_\_

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on \_\_\_\_\_

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by (a viva voce vote.) (\_\_\_\_\_ years, \_\_\_\_\_ nays.)

\_\_\_\_\_ 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ 23. Read second time \_\_\_\_\_ passed to third reading by:  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 24. Caption ordered amended to conform to body of bill.

\_\_\_\_\_ 25. Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays to place bill on third reading and final passage.

\_\_\_\_\_ 26. Read third time and passed by  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION:

OTHER ACTION:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_ 27. Returned to the House.

\_\_\_\_\_ 28. Received from the Senate (with amendments.)  
(as substituted.)

\_\_\_\_\_ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) (Substitute) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 30. Conference Committee Ordered.

\_\_\_\_\_ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 32. Ordered Enrolled at \_\_\_\_\_

1987 MAY 18 AM 10:10  
92b